

How Hospice Staff Can Support Vermont Families To Care for Their Own Dead

Vermont families have the legal right to custody and control of their own dead. There is a natural transition from hospice care to after-death home care. Families who have cared for their loved one during the dying process may benefit from engaging in family-centered home after-death care but may be unfamiliar with their rights to do so. Unlike licensed funeral services practitioners, there is no legal time limit for how long families may spend caring for and sheltering their deceased family member.

Legal Authority of Families

In Vermont, the legislative authority for families to act as unpaid funeral services practitioners is found in [18 V.S.A. § 5207](#). Certificate furnished family; burial-transit permit

“Within 24 hours after death, the death certificate shall be made available upon request to the family of the deceased, if any, or the undertaker or person who has charge of the body. The certificate shall be filed with the person issuing the burial-transit permit obtained by the person who has charge of the body before such dead body shall be buried, entombed, or removed from the town. When the death certificate is so filed, the officer or person shall immediately issue a burial-transit permit under legal restrictions and safeguards.”

Ways You Are Empowered to Assist Families

The transition from hospice service to home after-death care can be seamless with very little effort. The following suggestions may be offered by hospice personnel to ease the transition off service without adding responsibilities to your staff.

1. Ask families, *“What plans can we assist you in making?”* instead of *“What funeral home do you want us to call?”*
2. Provide the following information alongside any information about local funeral homes: *“Under Vermont law, families may conduct any or all tasks commonly performed by a funeral home, except embalming (which is not required by Vermont law). This may include:*
 - a. caring for the deceased (for example, bathing and dressing);
 - b. sheltering the deceased at home;
 - c. filing death notice, handling death certificate/transportation/disposition permit;
 - d. transporting the body home or to another location for care and viewing (sometimes called a wake or vigil), and to place of final disposition;
 - e. making arrangements for any ceremony and for final disposition (for example, with a cemetery or crematory, or obtaining county planning commission permission for a home burial).”
3. Let families know that while there are legal limits for hospice personnel after the time of death, they may invite hospice staff to help with any aspect of after death care as volunteers, if desired, such as bathing, dressing, and laying out the body.
4. For families handling the death certificate without a funeral director, assist in completing the medical portion in a timely manner.

Additional Information

- Vermont Funeral Resources & Education www.vermontfuneral.org
- National End-of-Life Doula Alliance www.nedalliance.org
- Funeral Consumers Alliance www.funerals.org